

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL BARRY,

Plaintiff,

v.

THE INSTITUTES, THE INSURANCE
INFORMATION INSTITUTE, INC.
("TRIPLE I") and SEAN KEVELIGHAN,
in his capacity as CEO of TRIPLE I,

Defendants.

Civil Action No. 1:24-cv-09605-PAE

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of their Motion to stay this action, Defendants The Institutes and Sean Kevelighan move this Court, before the Honorable Paul A. Engelmayer, at Thurgood Marshall United States Courthouse, Courtroom 1305, 40 Foley Square, New York, NY, for an Order staying this action and for such other and further relief as the Court deems just and proper.

Dated: May 28, 2025

Respectfully submitted,

**THE INSTITUTES and
SEAN KEVELIGHAN**

By counsel

/s/ Tamara S. Grimm
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2025, a true and exact copy of the foregoing was filed electronically and is available for viewing and downloading from the ECF system of the U.S. District Court for the Southern District of New York and that I served the same via electronic filing upon all counsel of record.

/s/ Tamara S. Grimm
Tamara S. Grimm

On January 27, 2025, the Court issued an Order stating that, "in the event either party commences arbitration proceedings, the Court is prepared to issue a discretionary stay of the instant case." Dkt. 13. On May 28, 2025, defendants filed a motion for a stay and supporting exhibits that alerted the Court to an order issued by the United States District Court for the Eastern District of Pennsylvania, dated April 7, 2025, that granted defendants' motion to compel arbitration against plaintiff Michael Barry pursuant to an arbitration clause in an agreement between the parties. *See* Dkt. 30-2. In light of the pending arbitration proceeding, the Court hereby issues a discretionary stay of this case pending resolution of that proceeding. *See Sea Spray Holdings, Ltd. v. Pali Fin. Grp., Inc.*, 269 F. Supp. 2d 356, 364 (S.D.N.Y. 2003) (litigation stayed pending arbitration pursuant to district court's inherent power to control its docket (collecting similar cases)). The parties are directed to file a joint status update to the docket of this case every three months until the resolution of the arbitration. The Clerk of Court is respectfully directed to close the motion pending at Docket 29.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Date: May 29, 2025